

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

BILLY TYLER,

Plaintiff,

v.

SOCIAL SECURITY ADMINISTRATION,

Defendant.

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4:09CV3026

ORDER

This matter is before the court on plaintiff's motion to proceed inform a pauperis, Filing No. 16, regarding his interlocutory appeal, Filing No. 14. The court has reviewed the motion and finds it should not be granted. The notice of interlocutory appeal is based on the fact that plaintiff believes this court should not have given the defendant additional time to answer plaintiff's complaint. The plaintiff executed summons on the defendant Social Security Administration on August 18, 2010. On October 8, 2010, the Social Security Administration filed a motion for additional time to answer. This court granted that motion and gave the Social Security Administration until November 12, 2010, to answer. On October 29, 2010, plaintiff filed a notice of appeal with regard to that ruling. In short, the plaintiff does not believe the Social Security Administration should have an extension of time to answer the complaint. The court finds the plaintiff's motion for inform a pauperis status is denied because this interlocutory appeal is totally without merit and a waste of this court's and the litigants' time. The court finds no grounds under 28 U.S.C. §§ 1291 and 1292 to support an interlocutory appeal in this case. The court finds no basis for certifying that this issue to the Eighth Circuit Court of Appeals. This case will proceed unless the Eighth Circuit directs otherwise.

THEREFORE, IT IS ORDERED that plaintiff's motion to proceed in forma pauperis, Filing No. 16, is denied.

DATED this 3rd day of November, 2010.

BY THE COURT:

s/ Joseph F. Bataillon
Chief United States District Judge